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CONFIDENTIAL

The Comptroller General
of the United States
Washington 25, D. C.

Dear Sir:

This office has for consideration the payment of terminal leave to a former employee separated from the service because of questionable loyalty to the United States Government. The propriety of making refund of retirement deductions is a related problem and a copy of your decision will be forwarded to the Civil Service Commission with the employee's application for refund of retirement. For security reasons the name of the employee will be omitted from this letter and attachment. It would be appreciated if an early confidential decision could be rendered since the individual has repeatedly requested prompt action with respect to payment of Lump Sum Leave to her credit.

Under date of February 27, 1947 the Director of Civilian Personnel, CIG, was instructed by the Civil Service Commission to separate the subject employee on the basis of an investigation conducted by that office. A true copy of letter dated February 27, with employee's name omitted, is attached for your consideration. This office notified the employee of the Commission's action, informed her of her right to appeal, and suspended her effective close of business 31 March 1947, for a period not to exceed ninety days pending final action by the Commission. The employee appealed her case and the Commission sustained its original decision. The employee was separated from the rolls of the Central Intelligence Group, effective close of business 30 June 1947.

While it would appear that the subject employee may be pro-communistic, and her loyalty is subject to reasonable doubt, the fact remains that no subversive act has been either proven or alleged, nor has membership in the

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Communist party been established. If charges of this nature had been certified against the employee there would be no doubt as to the withholding of monies normally due her, action in this regard being clearly set out in Chapter C2 (page 17), Federal Personnel Manual. In the case at hand, however, the employee is suspected of being pro-communistic and it is doubted that a person falling within such category is to be considered as personally advocating the overthrow of the Government of the United States by force or violence when no positive showing has been made that such person belongs to an organization advocating such action. In this connection reference is made to Section 10, Military Appropriation Act, 1947 (an appropriation established therein having been made available to the working fund under which this agency operated), which provides, in part, as follows:

"No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person *****who advocates, or is the member of an organization that advocates, the overthrow of the Government of the United States by force or violence;*****"

Reference is also made to Standard Form No. 61a, Oath of Office, Affidavit, and Declaration of Appointee, which contains provisions sworn to by the subject employee with respect to the bearing of true faith and allegiance to the United States and nonadvocacy of the overthrow of the Government of the United States.

Your decision as to complete action to be taken in this and similar cases will be greatly appreciated.

R. H. HILLENKOETTER
Rear Admiral, USN
Director

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